

Acton Dog Park Committee (ADPC)

Response to Citizens' Petition regarding Acton's Proposed Dog Park

May 23, 2021

Acton's Dog Park Committee submits this comprehensive response to the Citizens' Petition which will appear in the Town's June, 2021 Annual Town Meeting Warrant. Financial items are highlighted in **bold** text.



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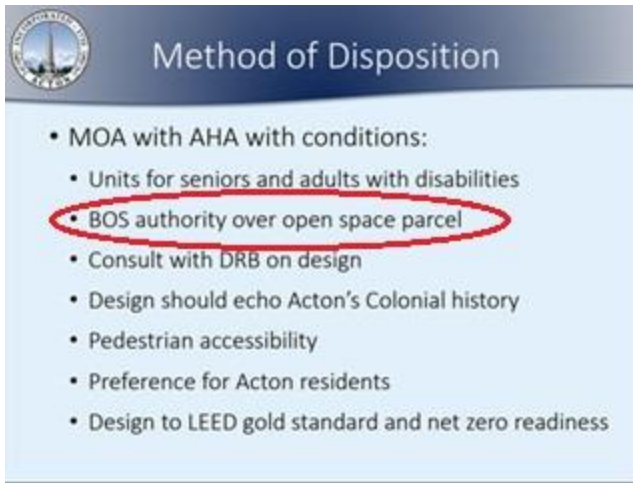
Citizen's Petition Point 1: Summary of Petitioners' Request

*"To vote on **eliminating the amended additional \$21,000 from the town budget** for funding the Stanton grant match for the dog park and also move to require the Select Board and the Dog Park Committee to conduct a complete review with comprehensive due diligence between no less than three locations for a possible dog park. To be presented to the residents of Acton for a formal vote on a proposed dog park location."*

ADPC Response:

- Before considering properties for review, the ADPC developed a comprehensive list of criteria for an ideal enclosed dog park, based on significant research of [Stanton Foundation](#) resources, neighboring dog parks, and web articles, including [Recommendations and Guidelines for Dog Park Site Selection, Design, Operations and Maintenance](#). We included this criteria and all their citations in multiple presentations – a public forum in June 2019, multiple Select Board presentations (at least four since 2017), and presentations to multiple boards and committees. These presentations are all available on the town DocuShare. Our meeting minutes are also publicly posted.
- Comprehensive due diligence has already been done and vetted by town leaders and departments. In addition to 348 Main Street, 13 locations were considered and narrowed down by:
 - Select Board - 8/24/2020 and final vote on 11/16/2020
 - Public forums and surveys
 - The criteria established early in the process
 - On-site walk-throughs with Land Use department personnel
- The Select Board added additional municipal properties for consideration but ultimately selected the Main Street location when other properties were excluded as not feasible. Details of all this can be found/heard in the 11/16/2020 Select Board [meeting minutes](#) and [recording](#).
 - Reasons for elimination of sites included:
 - Financial and environmental impacts of substantial tree clearing
 - Insufficient space or inappropriate terrain
 - Inability to meet accessibility requirements
 - Environmentally sensitive habitats
 - Wetness of land

- Insufficient space for parking
 - Public water not available or too costly to access
- Properties considered, physically visited, and eliminated were:
 - Morrison Farm
 - Great Hill
 - "Little Great Hill"
 - 70 Quarry Road (now in use as a pump track so no longer available)
 - DPW property north of NARA, next to Miracle Field
 - 24 Arlington Street & 24 Arlington Street Rear
 - 279 High Street (off Parker and Adams Streets)
 - Parcel behind Staples Plaza
 - Robbins Mill Recreation Area
- Additional properties considered and eliminated for not meeting criteria or unavailable for use were:
 - Parcel at the end of Wood Lane (nearly landlocked, no parking)
 - Wetherbee Land (conservation restrictions)
 - School Street playing fields off Rt 2 (leased from and controlled by the Commonwealth)
 - 301 Arlington Street (nearly landlocked, no parking)
- The ADPC has always invited and welcomed public input into the site selection process, which has gone on since 2018. The Stanton Foundation, which will be the primary funding source, requires that the site be municipal land. Town bylaws and Town Counsel have confirmed that there is no requirement for a vote at Town Meeting. One example of the allocation of municipal property for a beneficial Town project without a Town Meeting vote is the recent assignment of 70 Quarry Road for a Pump Track.
- At the 2019 Town Meeting, the [presentation for the warrant article](#) selling the Main Street property to the AHA for the housing development specifically outlined the Select Board's control of the use of the adjacent parcels, providing additional evidence of the Select Board's right to appropriate the use of this land:



- **This \$21K Capital investment is a one-time fee of less than \$1 per resident or just over \$2 per household.**
- **In return, Acton will receive up to one quarter of a million dollars - \$250K - for design and construction of the dog park.**

Citizen's Petition Point 2: Allow Acton Residents' Input

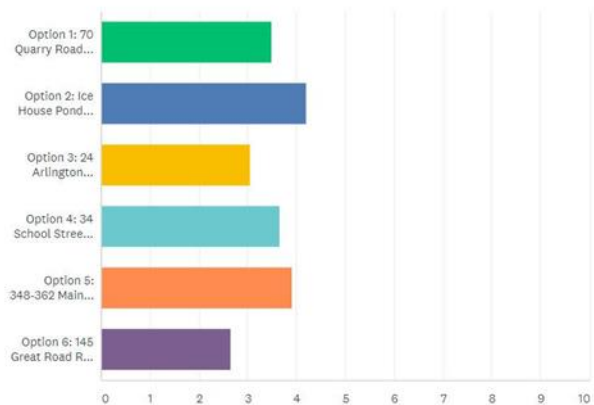
The residents of Acton have not been able to vote for or against the proposed dog park location at the intersection of route 27 and route 2 directly across from the off ramp from route 2. There are many reasons why this location is not suitable, and the Acton residents need to be aware of the issues before this location gains funding.

ADPC Response:

- This petition is bringing this matter to Town Meeting, and we on the ADPC welcome additional visibility and validation, however, it is inaccurate to state that town residents have had no input. As cited above, our process has been comprehensive, lengthy, inclusive, and transparent.
- In a public survey, the 348 Main Street site was one of the top two choices by respondents, as illustrated here:

Please rank these potential dog park sites in order of your preference, from 1 (your top choice) to 6 (your least favorite choice).

Answered: 40 Skipped: 0



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- “Ideal” sites are simply not available for dog parks as developers and conservation groups snatch up these lands for other purposes. Typically dog parks are given the most unusable lands: near highways (Provincetown), railroad tracks (Ayer), rod & gun clubs (Maynard) and others. Such is the case with 348 Main Street, which has no other useful purpose. (We address this further in Point 8, to follow.)
- Every site considered had pros and cons, so every site is in some way not ideal. We must consider the overall pros and cons and the comprehensive review that was done on the sites by the ADPC, town leadership, various boards and committees, and town departments.

Citizen’s Petition Point 3: Additional Costs to Town

*“The Dog Park Committee is seeking funding from the Stanton Foundation to build a dog park. **The foundation will pay up to \$250,000 for the construction costs of only the park itself. This funding will only pay for the actual dog fence and everything else inside of that fence. It will NOT pay for parking, landscaping, outbuildings, sidewalks, or any other infrastructure enhancements to make this location safe, attractive, and usable. This additional expense will be borne by the town and would costs hundreds of thousands of dollars.**”*

ADPC Response:

This is a highly inaccurate misrepresentation.

- **The list of what is covered by the Stanton Grant is readily available on their website and includes:**
 - **Parking**

- Landscaping
 - Complete perimeter fencing
 - Proper entrance
 - Walkways
 - Ground cover in the park
 - Natural play structures
 - Signs with rules, information, etc.
- The list of what is not covered is also available, and includes;
 - “soft costs” such as bond, contingency, overhead, insurance, and other miscellaneous items not fairly categorized as "labor and materials.
 - Underground water lines into the park
 - Permanent sponsor signage (tasteful plaques, bricks, etc. are allowed)
 - A simple shed in which to store tools and supplies will be covered by private fundraising or in-kind giving.
 - Some sidewalks on Rt 27 are included in the AHA Main Street project and we will work with the Town in the usual fashion and budget to extend sidewalks as appropriate. Completion of sidewalks from the current termination at 348 Main Street to the AHA development would be highly valuable for their target residents, allowing them safe access not only to the dog park but also to Kelley’s Corner
 - A planned Massachusetts DOT project to improve safety at this intersection could potentially include the addition of sidewalks along this short stretch.
 - Preliminary design and thorough conversations with Town leaders and the Natural Resources department have not identified any other “enhancements (needed) to make this location safe, attractive, and usable.”
 - **Approximately \$4K in annual maintenance fees will be covered by a recent \$2 increase in dog license fees earmarked for this purpose. (\$2.00 x ~ 2,000 dogs = \$4K)**

Bottom line – There is little, if any, additional expense to the Town; all costs have been uncovered and accounted for in the four years of work by the Dog Park Committee.

Citizens’ Petition Point 4: Neighbors’ Opposition

“All the neighbors and abutters to the proposed dog park location are not in favor of this site. The Acton Housing Authority has formally voted against the dog park for two reasons, it will be located on land adjacent to their building site where their septic system will be placed, and they do not want overflow parking from the dog park for liability reasons. The

Select Board and the Dog Park Committee have ignored these facts and are pushing forward regardless.”

ADPC Response:

- The Isaac Davis way residents make up just six households and a single household closest to -- but not directly abutting -- the dog park. Dog Park supporters include nearby neighbors on Main Street, including dog owners and Acton Animal Hospital, directly across the street.
- In response to their concerns, the ADPC isolated the dog park perimeters to within just the 348 Main Street parcel, over 200 feet from the closest neighbor.
- Acton's Board of Health and Land Use departments have all studied the proposal to use the 348 Main Street parcel both for the AHA project's leaching field and a suitable dog park and have no concerns about shared usage.
- The AHA housing development's Project Manager and Architect/Design firms have engaged in discussions about plans to locate a dog park on the 348 Main Street parcel and are enthusiastic about working together with us to make this happen.
- While the AHA initially voted to not support this project, it did so not based on any of these or technical concerns, but primarily to show support for the neighbors on Isaac Davis Way that are abutters to their planned development. This was at a time when the owners of Isaac Davis Way (and the authors of this petition) were clearly stating that they alone owned the right to pass utilities under Isaac Davis Way and threatening to withhold the utility easement, which would have effectively jeopardized the AHA project. Since the AHA vote, the Town has secured the utility rights under Isaac Davis Way, making the AHA's original primary concerns about the dog park moot. Since then, AHA membership has changed, and the AHA has not taken a position on this petition.
- Research shows that the 10-12 space parking lot connected to the dog park will be adequate for daily use and will not create an overflow into the AHA facility.
- For the few times overflow parking is required, the municipal lot at the public safety facility across Rt 27 can be used with signage clarifying this use.
- Proper signage and even police enforcement, if necessary, can be used to prevent use of the AHA parking lot or Isaac Davis Way by dog park users.
- Dog park users are motivated to keep their dog park clean, safe and law abiding. With gentle education and signs, users of the dog park will know where they can and cannot park.

Citizens' Petition Point 5: Authority over the Use of Isaac Davis Way

*"Isaac Davis Way residents, who own the driveway located between the Acton Housing Authority site and the proposed dog park site, have not granted the town permission to use their driveway as the entrance to the dog park parking lot. The Isaac Davis Way residents hold the title and all ownership rights to the driveway. This was negotiated with the prior owner, is recorded in the Deed of Records with the State of Massachusetts and runs with the land for eternity. **The liability if someone gets hurt while on the driveway is too high and the residents are not willing to take that risk.**"*

ADPC Response:

- Town Counsel has confirmed the right of public egress over Isaac Davis Way.
- **The ADPC has confirmed that any liability for dog park use, including access to and the parking lot itself, will be covered by the Town's existing municipal liability insurance** just like all the other town properties such as playgrounds, library, etc.
- Members of the Select Board, Town Counsel, and the Town Manager have invested many hours and legal research in an attempt to work with the petitioners in order to suitably address concerns about liability, but all such efforts were rebuffed. Town leadership remains open and committed to working with the neighbors to resolve these issues, as they believe firmly in the value the dog park will bring to the Town as a whole.
- Town leadership is also looking into alternative access points to the parking area to further avoid any conflicts in this area. This work is ongoing.

Citizens' Petition Point 6: Safety

"The proposed dog park site is not safe. The town had a traffic and safety study done with the previous owner and the location was graded an "F." The morning, afternoon, and weekend traffic is too heavy to handle the increase from the Acton Housing site and a dog park. The site, being adjacent to the off ramp from route 2, will welcome unwanted visitors and is too exposed. Dogs will get off leash and run into traffic, per council from the local dog wardens from neighboring towns."

ADPC Response:

- The study cited was for a completely different use than for a dog park - a large, commercial day care operation with obvious traffic impact at key times of day. The 10-12 space parking lot deemed adequate for the planned dog park will not generate anywhere near that amount of traffic.
- Dog park traffic tends to be dispersed, throughout the day, rather than at peak times. Most dog park users would avoid going to the park during peak traffic times in order to most fully enjoy the experience.
- The petitioners wholeheartedly supported the AHA housing development project, which requires over 40 parking spaces, yet raised no objections about parking or traffic impacts for that proposal.
- Rt 27 is, of course, a busy road and this was one of the “cons” of this particular site, however:
 - The Dog Park Committee was told that a 10-12 space parking lot with staggered use would contribute such a low volume of traffic that any impact cannot be reliably calculated - i.e., would be “noise” in the level of traffic on Rt 27.
 - Because this site is located in a central part of Acton, many users will be able to walk to the park.
 - A planned Massachusetts DOT project for addressing the Rt 2 / Rt 27 interchange will help traffic flow.
 - The Kelly’s Corner project is designed to help with traffic in that area with a possible benefit to this dog park location.
- The safety concern of “unwanted visitors” was expressed to Police Chief Burrows and he officially responded with no concerns. Don’t forget - the dog park parking lot will be very close to the Town’s Public Safety facility including Acton Police Headquarters. In addition, Isaac Davis Way itself already features a small turnaround; Kennedy Landscaping, Acton Animal Hospital, Dunkin Donuts and Acton Medical Associates are all in close proximity to the Rt. 2 / Rt 27 interchanges, and no reports of untoward activity have been filed to date.
- The design of the dog park will include 5- to 6-foot high fencing and a so-called “air lock” style double gate, providing owners with a safe and easy way to properly attach a leash to their dogs when entering and exiting the park. Walkways will provide a safe connection between the dog park and the parking lot or sidewalks.
- Many citizens are comfortable walking their dogs on the sidewalks along Rt 27 and this will be no different.

- There are plans for handicapped-accessible parking, and the location has been endorsed by the Transportation Advisory Committee, most specifically because its central location provides access to the most Acton residents possible.
- We question the claim regarding dog wardens from neighboring towns. The petitioners have provided no data, quotations, names, or citations for these assertions. Given their opposition to this dog park, we find it unlikely the local dog wardens from neighboring towns were given a full and unbiased picture of the plans we have for our dog park, and it's unclear how they were able to assess this risk without any input from Acton's Dog Park Committee. We were never consulted about this concern and would have gladly worked to understand it fully and worked to mitigate or eliminate it.

Citizens' Petition Point 7: Availability of Conservation Lands

"Acton has 1600 acres of conservation land with paths, open fields, and parking for residents to walk their dogs on or off-leash."

ADPC Response:

We are, indeed, blessed with a large amount of conservation land here in Acton. The trails on those lands provide great exercise for both the dogs and owners. But they are not a dog park because:

- Certain breeds of dogs cannot be let off leash unless they are in a fully enclosed space. Their instincts are to "chase rabbits" and they will just run away, putting them at risk for loss or injury. Greyhounds, whippets and beagles are three such breeds, but there are a number of others.
- Dog parks provide a secure environment for puppies and dogs in training.
- Dog parks provide a quiet space and moderate exercise for dogs who cannot navigate the trails because of advanced age or disability.
- Dog parks provide socialization and play time with other dogs. In a dog park, there may be 5 to 10 dogs at a time. Walking the trails, the dog might encounter one or two dogs. Think taking a toddler to a playground rather than walking down the street.
- Conservation trails are also inaccessible to many residents who are physically challenged, rendering these trails useless to that population.
- Conservation trails tend to be used either in isolation or, if by multiples, by people who already know one another. They do not offer the camaraderie and socialization opportunities available at a dog park. Indeed, a dog park at 348 Main Street has the potential to have a direct, mitigating impact on the isolation often experienced by the elderly and disabled who will reside in the AHA complex.

Citizens' Petition Point 8: Proposal to Relocate Kennedy Landscaping

“The town of Acton spent \$1,800,00 buying the two Main Street locations. The Housing Authority is paying close to \$1000000 for their site, the dog park is looking for the town to spend thousands of dollars for their site after the Stanton foundation funds the dog park. The town manager has an opportunity to generate income on the proposed dog park site by moving Kennedy Landscape Center (current tenant) to the dog park site where they will pay rent and the town can start to recoup additional funds to offset the Main Street purchase.”

ADPC Response:

- This flies in the face of the petitioners' cited concerns about traffic and parking. Kennedy Landscaping, or any other use that could generate revenue for the town, would also require parking and generate traffic.
- Regardless, since the AHA plans to use the 352 parcel for its septic system and the 348 parcel for its leach field, no such use is possible – A building or buildings cannot be constructed on either site, rendering their use for anything other than open space or parkland nonviable.
- A pro forma budget for the dog park project has been constructed and viewed by the Select Board and there is no such “hundreds of thousands of dollars in additional Town Funds required.” (See ADPC Response to Point 3, above) The Select Board would likely have not approved such an undertaking given all the financial pressures and priorities we face as a Town.
 - Construction costs of up to \$250K is covered completely by the Stanton Grant after a \$25K one-time match from the town
 - Design costs will be covered by a Stanton Design Grant or private fundraising. Most towns run their dog parks through independent “Friends of...” groups. The Friends of Acton Community Dog Park has already been formed and is currently raising funds to support the dog park. Long-term, this group will support the park through memberships, volunteer maintenance, and fundraising activities.
 - Basic maintenance costs will be covered through dog license fees (\$2/dog) and private fundraising and support from the Recreation Department.
 - Potable water hookup will be covered by fundraising and/or in-kind gifts
 - Follow-on Stanton Capital Improvement Grants can be used for ongoing improvements.

- The Main Street Master Planning Committee conducted a full study on possible uses of the Main Street properties and other than the wonderful AHA project, **there is no other viable use for this property that can recoup the thousands of dollars spent by the town to acquire this land** - at much benefit to the Isaac Davis Way neighbors. Having no other viable use for this has been confirmed by Town Leadership and we all see evidence of that every day as we drive past the unkempt wasteland of the properties.
- In fact, the Isaac Davis Way neighbors fully endorsed the use of these parcels for a park, as presented in the AHA's Town Meeting proposal. Dog owners bring their dogs to parks. The only difference here is that we will be providing a safe, secure, and accessible place for dogs to run free, minimizing conflicts at other parks, such as the Arboretum, where some park users are averse to sharing space with off-leash dogs.

Citizens' Petition Point 9: Conflict of Interest

"The owner of Acton Critter Sitters, Clare Siska, sits on the Dog Park Committee, was the former Chairperson and founder of the committee, and has 12 employees, each walking multiple dogs at surrounding dog parks and on town conservation land. This constitutes a major conflict of interest. Officials from surrounding towns who have dog parks, say the majority of users are people with unruly and poorly trained dogs as well as professional dog walkers who need a controlled location to keep track of their clients' pets. The Town of Acton should not be responsible for providing and paying for a secure location for professional dog walking companies to use while they are getting paid for their service."

ADPC Response:

This was addressed in an email to the Finance Committee on 5/21/2021. For completeness, we copy that response here:

The original Acton Dog Park Committee charter, defined by the Select Board, set the following qualifications for committee eligibility:

"Membership will be comprised of Acton dog owners, representing small, medium, and large breeds, as different-sized breeds have distinct needs. Members having a background in canine behavior, such as veterinary medicine, training or the like, would be highly valuable."

As both a dog owner and the owner of a pet sitting business, I specifically meet these criteria and felt that my expertise would be of value to the committee. The Volunteer

Coordinating Committee agreed, recommending me for a seat on the committee, and the Select Board approved, appointing me as one of its initial members.

I will now address the specific points in the citizens' petition / warrant article:

1. *"The owner of Acton Critter Sitters, Clare Siska, sits on the Dog Park Committee, was the former Chairperson and founder of the committee, and has 12 employees, each walking multiple dogs at surrounding dog parks and on town conservation land."*

Response: While this statement is largely true, I was not the founder of the committee – that credit goes to Betsy Kristl. I joined the committee because I know and appreciate the value of dog parks and felt that I could give a lasting gift to the Town by participating.

2. *"This constitutes a major conflict of interest."*

Response: I have always been completely transparent about my business ownership. This, and my associated qualifications, were discussed with the VCC and I was appointed as a committee member. I filed a [Conflict of Interest declaration](#) with the Town, which is posted in the Dog Park Committee's Docushare area. **In fact, creation of a dog park in Acton is likely to decrease business for my company, since many owners would no longer need our "socialization" services.**

3. *"Officials from surrounding towns who have dog parks, say the majority of users are people with unruly or untrained dogs as well as professional dog walkers who need a controlled location to keep track of their clients' pets."*

Response: This is hearsay. The petitioners have offered no citations, documentation, or other evidence to support these assertions, while the ADPC has had multiple discussions with neighboring dog park organizations and offered substantial evidence of the value of dog parks. For example, [How Cities May Benefit from Dog Parks](#). And [here is a very well-balanced article](#) that acknowledges the pros and cons of dog parks and offers suggestions for safe and appropriate usage, just as you would at NARA, the skate park, the new pump track, or any other town facility. For more resources, please visit actondogpark.weebly.com.

4. *"The Town of Acton should not be responsible for providing and paying for a secure location for professional dog walking companies to use while they are getting paid for their service."*

Response: On the surface, this would seem to be a valid point. However, it begs the question – What about use of other public facilities? Nannies and day care

workers bring children to playgrounds; tennis teachers offer classes at Acton's public tennis courts. A local yoga studio offers outdoor classes at Gardner Field, and professional photographers frequently use the Acton Arboretum as a background for family photos, all while being financially compensated.

If there are questions or concerns about the commercial use of public facilities, those questions should be addressed across the board; rather than specifically targeting the dog park. The Acton Arboretum allows professional photographers so long as they follow specific guidelines. Maynard's dog park restricts the number of dogs to "three per responsible adult" and at Chelmsford's dog park, "A maximum of two dogs per owner/ handler are allowed in the park at one time."

In short, concerns about overuse or inappropriate use of the dog park by professional pet sitters can be addressed by following the best practices followed by the over 200 dog parks across the country. And, if such questions are addressed by the Town or the Dog Park Committee, I would certainly recuse myself from any such deliberations.

The existence of professional dog walkers in Acton – those working with my company or the many independent dog walkers -- is not a valid reason to deny Acton's over 1,600 dog owners this valuable public amenity.

Citizens' Petition Point 10: Restatement of Petitioners' Request

*"We the undersigned residents and voters in Acton, **request that the Finance committee remove the dog park funding from the town budget.** We would also request that the location of the Acton Dog Park be moved to a safer location, better suited for proper recreational intent, determined through a proper analysis and due diligence format."*

ADPC Response:

While we have fully responded to this in Point 1, above, we add the following:

- Again, we have always welcomed discussion and input on a suitable site for a dog park in Acton, but the work on finding a suitable site was done in a comprehensive manner and with documented public inputs. Funding is well under way, and it's time to get this project moving after more than three years of work and study. This is further confirmed by this year's Select Board including selecting a dog park site in its list of short-term goals.
- Whether it be the financial, safety, or disenfranchisement concerns listed in this petition, many are simply inaccurate or missing the complete information that we hope

we have provided in this document. The petition implies that there is another site to be found if only we work a little harder. But nearly four years of committee work including property walks and analyses, multiple surveys, public forums, Select Board hearings and financial calculations confirm there is no other suitable site for a dog park in Acton except the much-needed improvement of the Main Street parcels.

- **Aside from the Dog Park Committee, no one has come forth with a proposal or funds to make use of these parcels. Passage of the citizen's petition at Town Meeting would put a decisive end to this entire project, and the 348 and 352 Main Street parcels will remain a useless eyesore in the center of Town, wasting opportunity and potentially incurring taxpayer money to address.**
- We hope you will vote to Not Recommend this citizens petition, not because the petitioners ask Town leadership to look again at this project, but because we trust you can now clearly see the merits of this project and the huge financial benefits to the town, and want to see it go forward.

We strongly urge and humbly request that the Finance Committee endorse the inclusion of \$21K in matching funds in the Capital budget item, and reject the citizen's petition warrant article, paving the way for us to bring this attractive, beneficial, and financially responsible amenity to Acton.

For additional resources, please visit:

<https://thestantonfoundation.org/canine-welfare/dog-parks>

actondogpark.weebly.com

On behalf of Acton's over 1600 dog owners, we thank you for your consideration.

Tom Gillispie, Chair
Acton Dog Park Committee